

APPLICATION TO CHANGE A WATER RIGHT

FILING FEE:	Replacement Well or Reservoir:	\$100.00
	Stock Tanks:	\$100.00
	All Others:	\$400.00

Use this form

- To apply for replacement wells when the use exceeds 35 gpm or 10 acre-feet of water.
- To apply to move or add stock tanks to an existing delivery system.
- To apply to change the point of diversion, place of use, purpose of use, or place of storage of a water right.

See the back page for additional information.

For Department Use Only

Application No.	Basin _____
Date Received	_____
Time	_____
Rec'd by	_____
Fee Rec'd	_____
Check No.	_____
Refund \$	_____ Date _____

1. Applicant Name: _____

Mailing Address: _____ City _____ State _____ Zip _____

Phone Numbers: Home _____ Work _____ Cell _____

Email Address: _____

2. Contact Person: Check, if same as applicant Check, if contact is an attorney

Contact Name: _____

Mailing Address: _____ City _____ State _____ Zip _____

Phone Numbers: Home _____ Work _____ Cell _____

Email Address: _____

NOTE: IF A CONTACT PERSON IS IDENTIFIED AS AN ATTORNEY, ALL COMMUNICATION WILL BE SENT ONLY TO THE ATTORNEY UNLESS THE ATTORNEY PROVIDES WRITTEN INSTRUCTION TO THE CONTRARY.

3. Project Completion: _____ Years - Estimate how long it will take to complete the change, if the application is granted, to the point that water can be used according to the change. Information must be included in the application materials that justify the requested time. The justification must include information that would lead a person unfamiliar with the project to conclude the period requested is reasonable and needed to complete the change and put the changed water right(s) to use.

4. Affidavit

I affirm the information provided for this application is to the best of my knowledge true and correct. I also affirm I have possessory interest, or the written consent of the person with the possessory interest, in the property where the water is to be put to beneficial use.

Applicant Signature: _____ Date _____

Print Signature: _____

Subscribed and sworn before me this _____ day of _____, 20____

Notary's Signature

(Typed, Stamped, or Printed Name of Notary)

Notary for the State of
Residing at
My commission expires

5. Provide a brief narrative explaining the general nature of the requested change(s) to the water right and why it is being requested. A current DNRC generated water right abstract of each water right being changed must be submitted with proposed changes noted on each abstract. Each abstract should reflect how the water right would appear if the change application was granted. To receive DNRC generated water right abstracts, email the DNRC at the following Web address: waterabstract@mt.gov, or contact the regional office serving your area.
6. Historic Use: Administrative rule 36.12.1902 requires the following information for each water right to be changed.
 - A. Provide written documentation explaining the historic use and how the information was acquired to substantiate the following elements of each water right to be changed:
 - (a) point of diversion;
 - (b) period of diversion;
 - (c) volume used for each purpose;
 - (d) period of use for each purpose;
 - (e) place of use for each purpose;
 - (f) maximum number of acres historically irrigated;
 - (g) means of conveyance;
 - (h) location of reservoir;
 - (i) maximum volume in acre-feet of water stored;
 - (j) maximum number of times a reservoir was filled during a year; and
 - (k) maximum period of time when water was collected for storage.
 - B. Provide a narrative of the historic use of each water right being changed. The description must be based on actual physical measurements when available and use commonly accepted hydraulic principles. The narrative must contain the following:
 - (a) the maximum flow rate diverted from each point of diversion listed on the water right during the period of diversion;
 - (b) total volume of water consumed for each water right during the period of diversion;
 - (c) a description of how and when unconsumed water returns to a ground or surface water source and how that return flow volume was calculated; and
 - (d) documentation of the basis of all data used in the analysis, methods of analysis and calculations.
 - C. Provide a narrative explaining the historic operation of the right, including flow rate, volume, period of diversion, period of use, and period of storage are reasonable and typical of the purpose for which the historic right was used.
 - D. Historic Irrigation Water Rights: If the application is to change irrigation water rights, the application must include a comparison of the historical acres irrigated to acres identified as irrigated in the Water Resources Survey, if available for the place of use. If the Water Resources Survey does not support the historical irrigation alleged in the application, explain why.

7. Map

- A. A USGS quadrangle map or USDA aerial photo must be included with the application and the following items must be clearly identified on the map: (a) north arrow; (b) scale; (c) section corners and numbers; (d) township and range numbers; (e) all past and proposed points of diversion; (f) all past and proposed places of use; (g) past and proposed reservoir locations; and (h) past and proposed ditch or pipeline locations.
- B. Maps must reflect the place of use of all overlapping water rights owned by the applicant.
- C. Additional maps must be submitted if one map cannot convey the required information clearly and must be of the same scale so that they can be overlain.
- D. In addition to the map required above, a copy of the Water Resources Survey map, if available for the land affected by the change, shall be submitted with the historically irrigated acreage identified.
- E. All historically irrigated acreage must be identified on an aerial photograph that shows the date the aerial photo was taken.

ADDENDUM TO APPLICATION TO CHANGE A WATER RIGHT

To deem the application correct and complete, an application must include the required information found in ARM, 36.12.1801 and 1802 and 36.12.1903 and 1904. To grant an application, per Section 85-2-402, MCA, the appropriator must prove by a preponderance of evidence the criteria are met. It is the Applicant's responsibility to provide credible, relevant, and factual information upon which the Department may rely to support granting a change authorization.

Criteria for Issuance of Authorization to Change

- A) Provide substantial, credible information proving the proposed change will not adversely affect the use of existing water rights of other persons or other perfected or planned uses or developments for which a permit or certificate has been issued or for which a state water reservation has been issued.
- B) Describe the proposed means of diversion, construction, and operation of the diversion works and provide substantial credible information proving the diversion, construction and operation are adequate.
- C) Provide substantial credible information to prove the proposed change is a beneficial use of water and that the amounts are reasonable for the purpose intended.

NOTICE

Additional information is required if the proposed change in purpose of use or place of use involves 4,000 acre-feet or more and 5.5 cubic feet per second or more of water per year; the proposed change is for withdrawal and transportation for use outside the state; or the application is for salvaged water. See 85-2-402, MCA

Application Requirements

- Only an owner of record, as shown in the Department's water right records, can apply to change a water right, except if a change application is for a water right lease pursuant to 85-2-436, MCA, the change applicant must be the State of Montana, Department of Fish, Wildlife, and Parks.
- Multiple water rights may be changed on one application if, upon completion of the project, the diversion, place of use, purpose, or storage information will be exactly the same for each changed water right. If not, separate applications must be filed.
- Calculations showing how the historic and proposed flow rate, volume, and capacity were determined must be included in the application materials and the methodology employed must be described.
- For a change application that is only to add stock tanks to an existing stock water system, refer to ARM, 36.12.1901(14).

Additional application requirements are provided in ARM, Chapter 36, Section 12, subchapters 18, 19, and 20.

Correct and Complete Determination

- This application must contain sufficient factual documentation to constitute probable believable facts sufficient to support a reasonable legal theory upon which the department should continue to process the application.
- An application deemed correct and complete can advance to the next stage of the application process.
- An application deemed correct and complete does not entitle an applicant to a provisional permit or change authorization.
- Providing correct and complete information is not necessarily the same as proving the statutory criteria. The department, with or without receipt of objections can only grant an application if the criteria for issuance of a permit or change application are met.

Additional correct and complete requirements are provided in ARM, 36.12.1601.

Historic Water Use

- The department must consider historical use in determining whether changing the water right would constitute an enlargement in historic use of the original water right.
- Final water court approved stipulations, master's reports, or examination information related to the water right being changed must be submitted with the application, however, this information or an abstract of a water right from the Department or the Montana Water Court by itself is not sufficient to prove the existence or extent of the historical use.
- The amount of water being changed for each water right cannot exceed or increase the flow rate historically diverted under the historic use, nor exceed or increase the historic volume consumptively used under the existing use.

Additional historical use requirements are provided in ARM, 36.12.1903.

The Water Right Rules can be accessed on the Internet at <http://www.dnrc.state.mt.us/wrd/home.htm>.

Water Resources Regional Offices

BILLINGS: AIRPORT INDUSTRIAL PARK, 1371 RIMTOP DR., BILLINGS MT 59105-1978
PHONE: 406-247-4415 FAX: 406-247-4416

SERVING: Big Horn, Carbon, Carter, Custer, Fallon, Powder River, Prairie, Rosebud, Stillwater, Sweet Grass, Treasure, and Yellowstone Counties

BOZEMAN: 2273 Boot Hill Court, Suite 110, BOZEMAN MT 59715
PHONE: 406-586-3136 FAX: 406-587-9726

SERVING: Gallatin, Madison, and Park Counties

GLASGOW: 222 6TH STREET SOUTH, PO BOX 1269, GLASGOW MT 59230-1269
PHONE: 406-228-2561 FAX: 406-228-8706

SERVING: Daniels, Dawson, Garfield, McCone, Phillips, Richland, Roosevelt, Sheridan, Valley, and Wibaux Counties

HAVRE: 210 6TH AVENUE, PO BOX 1828, HAVRE MT 59501-1828
PHONE: 406-265-5516 FAX: 406-265-2225

SERVING: Blaine, Chouteau, Glacier, Hill, Liberty, Pondera, Teton, and Toole Counties

HELENA: 1424 9th Ave., PO BOX 201601, HELENA MT 59620-1601
PHONE: 406-444-6999 FAX: 406-444-9317

SERVING: Beaverhead, Broadwater, Deer Lodge, Jefferson, Lewis and Clark, Powell, and Silver Bow Counties

KALISPELL: 109 COOPERATIVE WAY, SUITE 110, KALISPELL MT 59901-2387
PHONE: 406-752-2288 FAX: 406-752-2843

SERVING: Flathead, Lake, Lincoln, and Sanders Counties

LEWISTOWN: 613 NORTHEAST MAIN ST., SUITE E, LEWISTOWN MT 59457-2020
PHONE: 406-538-7459 FAX: 406-538-7089

SERVING: Cascade, Fergus, Golden Valley, Judith Basin, Meagher, Musselshell, Petroleum, and Wheatland Counties

MISSOULA: 1610 S 3RD ST WEST, SUITE 103, PO BOX 5004, MISSOULA MT 59806-5004
PHONE: 406-721-4284 FAX: 406-542-1496

SERVING: Granite, Mineral, Missoula, and Ravalli Counties